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13 **IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

14 The Arizona Libertarian Party and
15 Michael Kielsky,

16 Plaintiffs,

17 vs.

18 Michele Reagan,

19 Defendant.

20 Case No: CV-16-01019-PHX-DGC

21 **JOINT MEMORANDUM REGARDING
THE PARTIES' VIEWS ON HOW THE
CASE SHOULD PROCEED**

22 Pursuant to the Court's May 27th Order, the parties submit this joint memorandum
23 setting forth the parties' views on the manner in which this case should proceed. The
24 Secretary believes that discovery is necessary to test the factual allegations in the
25 Plaintiffs' Complaint and in the declarations attached to the Plaintiffs' subsequent
26 motions. The Plaintiffs do not believe discovery is necessary. The parties therefore
27 request that the Court initiate the process for a Rule 16 scheduling conference, and the
28

1 parties will confer over the appropriate scope of discovery, if any, in advance of the Rule
2 16 conference.

3 The Secretary also requests that the scheduling conference be set for a time after
4 the primary election on August 30, 2016. Resolution of the Plaintiffs' pending Motion
5 for Preliminary Injunction (Dkt. No. 18) is not contingent upon the Rule 16 scheduling
6 conference, and the Secretary and counsel for the Secretary have a number of
7 professional obligations leading up to the primary that will make litigating this case more
8 difficult before the conclusion of the primary. The Plaintiffs do not agree to the
9 Secretary's request. The Plaintiffs initiated this action on April 12, 2016, and their
10 Motion for Preliminary Injunction, which seeks relief in time for the August 30, 2016
11 primary election, remains pending. Furthermore, the Plaintiffs have already consented to
12 the Secretary's prior request for an additional week in which to respond to the Complaint,
13 and have adjusted their date of service accordingly, such that the Secretary must now file
14 an answer or motion under Rule 12 on or before July 1, 2016. The Plaintiffs therefore
15 request that the Court hold the scheduling conference as soon as may be practicable for
16 all parties and the Court.

17 Respectfully submitted this 10th day of June, 2016.

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19 Mark Brnovich
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20 s/ James Driscoll-MacEachron
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